

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 4-7 remain pending in the application; of these, claims 4 and 7 have been amended, as discussed below.

This application is a division of earlier application 09/788,371 filed February 21, 2001 and issued in January of this year as U.S. 6,680,275. Cross reference to this now issued patent has been updated with the above instructions.

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention. More specifically, the catalysts defined in allowed claims 1 and 2 of the parent application have now been incorporated into process claims 4 and 7, respectively. Accordingly, the claims of this application are directed to a process of producing a product using the novel catalysts described and patented in the parent application.

The examiner criticized claims 4 and 7 and 5 and 6 as being indefinite, unnecessarily prolix, and essential duplicates. This rejection is traversed.

By the above claim amendments, claims 4 and 7 have been amended to include different definitions of the catalysts used in the claim process, hence they are not duplicates nor are they prolix.

Dependent claims 5 and 6 are not duplicates – in claim 5 the reaction is carried out by adding the enone to a catalyst solution and then supplying cumene hydroperoxide or tert-butyl hydroperoxide to that solution. In contrast, claim 6 specifies that the reaction is carried out by supplying a mixture comprising the enone and cumene hydroperoxide or tert-butyl hydroperoxide to the catalyst solution. In other words, claim 5 requires that the cumene hydroperoxide or tert-butyl hydroperoxide is added after adding the enone to the catalyst whereas claim 6 specifies that both components are added together. Reconsideration of this rejection is requested.

Page 3 of the Official Action cites and applies U.S. patent 6,201,123 as an alleged anticipation of claims 4 and 7 and is the basis for rejecting claims 4-7 as being "obvious" over the disclosures of this document. The reference cited and applied by the examiner contains a printing error – in fact, the assignee of this patent is the same as the assignee of the present application (and the parent application as well). This was discussed during examination of the parent application and I enclose for completion of the record copies of the assignment documents

relating to U.S. 6,201,123 as well as a copy of a Certificate of Correction of that patent together with copies of the assignment documents relating to the subject application which carried title from the assignment documents in the parent application (the documents are identical).

This information renders U.S. 6,201,123 unavailable as prior art under 35 USC §103(c). Thus the rejection based upon it with regard to claims 4-7 must be withdrawn.

For the reasons explained above, the rejection of claims 4 and 7 based upon U.S. 6,201,123 is also not pertinent considering the amendments made to the above claims.


Reconsideration and favorable action are solicited.

The examiner's attention is invited to an Information Disclosure Statement filed June 21, 2004, a few days before the current Official Action was mailed, and thus not taken into account as it was probably not in the examiner's hands before the Official Action was posted. Please consider this Information Disclosure Statement, based upon the results of a European Search Report, when considering this response. Also consider the concurrently filed Information Disclosure Statement providing the full text of two of the literature articles earlier furnished (face pages only).

Respectfully submitted,

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